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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,215	10/31/2003	John A. Baumann	BO1 - 0116US	1498
60483	7590	10/05/2006	EXAMINER	
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			WATSON, ROBERT C	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,215

Applicant(s)

BAUMANN, JOHN A.

Examiner

Robert C. Watson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,8,11,12,14,15,21,25,26,29-31,40-42,45 and 52-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/09/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 3,5,6,9,10,13,16-20,22-24,27,28,32-39,43,46-51 and 56-60.

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Claims 40-42, 45, and 52-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 40 and 52 state that "one or more force applying units" are "simultaneously motivated". The question then arises how is one force applying unit simultaneously motivated? The claims are vague and indefinite.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40, 41, 45, 52, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dearman in view of Haumann et al.

Dearman shows force applying units 38 coupled by a moveable pivot to form a chain of force applying units. The ends of the chain are connected to an anchor 7.

Haumann et al teaches that a plurality of force applying units used for clamping a workpiece may be simultaneously actuated by pneumatic or hydraulic means. The examiner takes Official Notice that force applying units may be fluid or mechanical such my means of a screw and that these mechanical units may similarly be simultaneously actuated in a manner similar to that shown in Haumann et al.

Claims 1-2, 4, 12, 21, 25, 26, 29, 30, 31, 42 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dearman in view of Haumann et al supra and further in view of Snyder.

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The coupling units of Dearman are not lockable.

Snyder teaches that coupling units may have lockable pivots (22,23) comprising a ball and socket.

To make the coupling unit pivots of Dearman lockable and also to comprise a ball and socket would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Snyder. One of ordinary skill in the art would have been motivated to do this in order to provide a more stable clamping structure.

Claims 7, 8, 11, 14, 15, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dearman in view of Haumann et al and Snyder supra and further in view of Smith.

Smith teaches that a lockable pivot may be actuated externally by pneumatic means using a solenoid (column 8, line 15).

To actuate the lockable pivots supra externally by pneumatic means using a solenoid would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Smith. One of ordinary skill in the art would have been motivated to do this in order to reduce manual effort in using the clamp arrangement. Whether the force applying means is pneumatic or an electric operated screw is no more than an obvious matter of design choice absent a showing of criticality for this feature.

Claims 3, 5-6, 9-10, 13, 16-20, 22-24, 27-28, 32-39, 43, 46-51, 56-60 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a

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nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/5/05.

Applicant's remarks have been carefully considered. However, the newly claimed features are found to be obvious over the newly cited references.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rcw

A handwritten signature in black ink, appearing to read "Robert C. Watson". The signature is fluid and cursive, with a long horizontal stroke at the end.

ROBERT C. WATSON
PRIMARY EXAMINER